

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Stephanie Dukich	Team: Squad #8	CCRB Case #: 202101083	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 02/17/2021 8:05 PM	Location of Incident: 33rd Precinct Stationhouse	Precinct: 33	18 Mo. SOL 8/17/2022	EO SOL 8/17/2022	
Date/Time CV Reported Thu, 02/18/2021 12:54 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 02/18/2021 12:54 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Benjamin Roman	7119	955410	033 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Mainul Haque	04579	950558	033 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Benjamin Roman	Abuse: Police Officer Benjamin Roman did not process § 87(2)(b) complaint regarding officers.	
B.POM Benjamin Roman	Abuse: Police Officer Benjamin Roman refused to provide their name to § 87(2)(b)	
C.POM Benjamin Roman	Abuse: Police Officer Benjamin Roman refused to provide their shield number to § 87(2)(b)	

Case Summary

On February 17, 2021 at 13:09, § 87(2)(b) filed the following complaint through CCRB's Call Processing System.

On February 17, 2021, at approximately 8:05 p.m., § 87(2)(b) entered the 33rd Precinct stationhouse and requested to file a complaint against two police officers. In response to § 87(2)(b) request, PO Benjamin Roman of the 33rd Precinct allegedly told him "You have to go there" while pointing to a CCRB poster that provided the agency's address, phone number, and other relevant information for filing a complaint. § 87(2)(b) attempted to explain the incident to PO Roman multiple times and each time PO Roman responded, "You have to go there." (**Allegation A: Abuse of Authority,** § 87(2)(g))

PO Roman allegedly refused to provide his name and shield number (**Allegations B and C: Abuse of Authority,** § 87(2)(g)) § 87(2)(b) left the stationhouse after 15 minutes on his own volition.

BWC footage requests were returned with negative results. As § 87(2)(b) provided an inaccurate time for the incident, stationhouse footage obtained by the investigation did not capture the incident (Board Review 1).

Findings and Recommendations

Allegation (A) Abuse of Authority: PO Benjamin Roman did not process § 87(2)(b) complaint regarding officers.

In his CCRB testimony, § 87(2)(b) stated that he entered the 33rd Precinct stationhouse at approximately 8:05 p.m. to file an assault complaint against an employee of his landlord, who had "sort of imprisoned" § 87(2)(b) in his apartment earlier that day. § 87(2)(b) had also intended to file a complaint against two officers who had responded to the incident with his landlord but failed to process his criminal complaint. Upon entering the stationhouse, § 87(2)(b) told PO Benjamin Roman that he wished to file an assault complaint, as well as a complaint against two police officers. PO Roman's only response was "You have to go there", pointing to a CCRB poster on the wall behind § 87(2)(b) that provided the agency's address and other relevant information. § 87(2)(b) told PO Roman that he did not understand why he was directed to the CCRB for an assault complaint. He also did not have the opportunity to explain his complaint against officers to PO Roman, because every time that § 87(2)(b) began to describe the scenario at his apartment earlier, PO Roman responded, "You have to go there" without hearing § 87(2)(b) entire complaint (Board Review 2).

§ 87(2)(b) took a picture of the poster, then captured a brief video of PO Roman which the investigation used to identify him (Board Review 3).

During the date and time of the incident, PO Roman was working as the Telephone Switchboard Operator inside at the 33rd Precinct stationhouse. PO Roman was equipped with a BWC, but it was not activated due to the nature of this incident. In his CCRB statement (Board Review 4), PO Roman stated that upon entering the stationhouse, § 87(2)(b) approached PO Roman and told him that he wanted "Somebody to talk to about a complaint." PO Roman told § 87(2)(b) that § 87(2)(b) could talk to him, and § 87(2)(b) told PO Roman about two officers that responded to his apartment earlier without listening to him. PO Roman told § 87(2)(b) that he could file a complaint against

officers either through the CCRB or IAB. § 87(2)(b) stood behind a poster with CCRB and IAB information on it, so PO Roman pointed to it and told § 87(2)(b) that he could either call them himself to file a complaint, or that they could call the numbers listed on the poster together. PO Roman did not offer to take § 87(2)(b) complaint himself. § 87(2)(b) declined PO Roman's offer by telling PO Roman "No, no, no, I just want somebody to hear me out." PO Roman listened to § 87(2)(b) complaint, and concluded their interaction by telling § 87(2)(b) again that he could call the CCRB or the IAB if he wanted to file a complaint against officers. § 87(2)(b) thanked him and did not ask for any other assistance. As a result, PO Roman had no reason to believe that he was unsatisfied with the information that PO Roman provided to him. Moreover, PO Roman stated that § 87(2)(b) never mentioned that he wanted to file a complaint. No other civilians or officers were present for this interaction aside from § 87(2)(b) and PO Roman.

According to NYPD Patrol Guide Procedure 207-31, when a civilian wishes to file a complaint a stationhouse, an officer should interview the civilian, provide a civilian complaint report, and provide assistance if needed to complete the form (Board Review 5). If an individual does not want to immediately make a complaint, they should be provided with the first copy of the civilian complaint report and be advised that the complaint may be delivered in person, taken over the phone, or sent by mail to any precinct or office of the Police Department. In addition, the civilian is to be provided with the number of the Civilian Complaint Review Board.

§ 87(2)(g)

Allegation (B) Abuse of Authority: PO Benjamin Roman refused to provide his name to § 87(2)(b) -

Allegation (C) Abuse of Authority: PO Benjamin Roman refused to provide his shield number to § 87(2)(b) -

In his CCRB testimony, § 87(2)(b) stated that after PO Roman refused to process his complaint against officers, he asked PO Roman for his name and shield number approximately four times, but PO Roman did not provide it to him. Instead, PO Roman told § 87(2)(b) to contact the CCRB.

In his statement to the CCRB, PO Roman said that he provided his name to § 87(2)(b) three times, and his shield number twice. PO Roman first introduced himself to § 87(2)(b) with his name as § 87(2)(b) walked into the precinct. After § 87(2)(b) asked PO Roman for his name and shield number again later, PO Roman provided it twice verbally. § 87(2)(b) tried to write it down but said that his pen did not work. PO Roman offered to write the information down for him, but § 87(2)(b) declined. Upon leaving the stationhouse, § 87(2)(b) called PO Roman by his name.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to two other CCRB complaints.
- PO Roman has been a member of service for seven years and has been a subject officer in three other cases, with five allegations, of which none were substantiated.

○ § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation during his CCRB interview.
- A FOIL request was submitted to the Comptroller's Office and will be added to the case file upon receipt.

• [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 8

Investigator: Stephanie Dukich Inv. Stephanie Dukich 06/15/2021
Signature Print Title & Name Date

Squad Leader: Patrick Yu SI Patrick Yu 06/15/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date